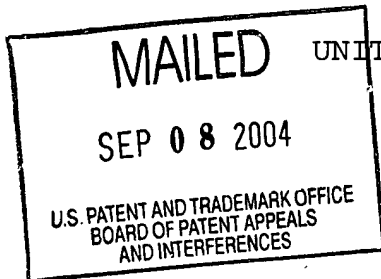


The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 17



UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte WENDELL W. ANTHONY,
JUNDAR HUANG, TRUC NGUYEN,
ASHWIN DOSHI, LESLIE MOSS,
MICHAEL WILLIAMS, DAVID THOMPSON,
HOCK LAW, DONALD EICHENSEER,
STEPHEN EDWARD SAUSSY,
KHANH DO, and BINH LUONG

Appeal No. 2002-1880
Application 09/077,456¹

ON BRIEF

Before THOMAS, BARRETT, and BARRY, Administrative Patent Judges.

BARRETT, Administrative Patent Judge.

DECISION ON APPEAL

¹ Application for patent filed May 29, 1998, entitled "Method and System for Performing Banking Transactions, Including Home Banking," which is a national stage application under 35 U.S.C. § 371 of PCT Application PCT/US97/06245, filed April 18, 1997, which is based on and claims priority under 35 U.S.C. § 119(e)(1) from U.S. Provisional Application 60/015,819, filed April 18, 1996.

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This is a decision on appeal under 35 U.S.C. § 134(a) from the final rejection of claims 1-55.

We affirm.

BACKGROUND

The invention relates to a system and method for providing remote banking services, including home banking.

Claim 1 is reproduced below.

1. A method for providing remote access to financial services comprising the steps of:
 - a) providing at least one business host;
 - b) selectively electronically linking a server to the business host; and
 - c) selectively electronically linking at least one automated teller machine (ATM) and at least one home banking terminal to the server where a first user interface displayed on the ATM and a second user interface displayed on the home banking terminal are substantially the same.

THE REFERENCE

The examiner relies on the following reference:

Moss et al. (Moss)	5,485,370	January 16, 1996
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THE REJECTIONS

Claims 1-3, 6-22, 24-37, 40-51, and 53-55 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Moss.

Claims 4, 5, 23, 38, 39, and 52 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Moss.

We refer to the final rejection (Paper No. 9) (pages referred to as "FR__") and the examiner's answer (Paper No. 14) (pages referred to as "EA__") for a statement of the examiner's rejection, and to the brief (Paper No. 13) (pages referred to as "Br__") for a statement of appellants' arguments thereagainst. We address only the arguments actually presented. Arguments not raised are waived. See 37 CFR § 1.192(c)(8)(iii) and (iv) (1998) (brief must point out errors in the rejection); cf. In re Baxter Travenol Labs., 952 F.2d 388, 391, 21 USPQ2d 1281, 1285 (Fed. Cir. 1991) ("It is not the function of this court to examine the claims in greater detail than argued by an appellant, looking for nonobvious distinctions over the prior art.").

OPINION

Grouping of claims

Appellants group the claims as follows (Br4):

Group I	Claims 1, 6-30, 33-37, 40-51, and 53-55
Group II	Claims 2 and 31
Group III	Claims 3 and 32
Group IV	Claim 4
Group V	Claim 5
Group VI	Claims 38, 39, and 52

Group I

Appellants argue that Moss does not teach the limitation of "at least one automated teller machine (ATM) and at least one home banking terminal to the server where a first user interface

displayed on the ATM and a second user interface displayed on the home banking terminal are substantially the same" (claim 1).

The examiner refers to Fig. 10, elements 1, 4, 19, 60, 60c; abstract, line 4-7; column 18, line 24; column 29, lines 57-62; and Fig. 15, elements 584, 586, and 588 (FR3; EA4).

Appellants argue that these portions of Moss do not indicate that the ATM and the home banking terminal have substantially the same user interface (Br4-6).

The examiner responds by discussing various portions of Moss (EA10-20), but without pointing to interface teachings. Seemingly the best statement of the examiner's position is the following (EA20): "Wording 'telephone-computer 1 and an equivalent terminal 19' [at col. 18, lines 25-26], clearly indicate that the devices have close similarity and ought to depict substantially the same interface displayed on them."

We are not persuaded by the examiner's reasoning because it is based on speculation about the appearance of the interfaces. Moreover, the PC terminal 19 is a home computer terminal, not an ATM. However, we find that the limitation, as broadly recited, is met by Moss. Moss discloses a home computer terminal for financial services shaped to resemble a conventional desktop telephone, which corresponds to the "home banking terminal." Automatic teller machines (ATMs) and home terminals are electronically linked to a host (e.g., col. 29, 58-62). The

terminal has a liquid crystal display 2a and a standard 12-button telephone keypad (col. 4, lines 7-15; col. 13, lines 39-43), which corresponds to the "second user interface displayed on the home banking terminal." The display may include the user's last response, the information being sought, and a list of prompts indicating the choices available to the user by pressing a single button in the keypad as well as a series of help prompts (col. 8, lines 30-39). Figure 19 discloses a hardware simulation screen to allow an applications programmer to test paths within the applications program (col. 30, lines 36-41). In the upper left portion of Fig. 19 is a simulated keypad and display for an ATM (col. 30, lines 41-42), which represents the "first user interface displayed on the ATM." Since both the home computer terminal and the ATM have a display and a 12-button keypad, it appears that the interfaces are "substantially the same." Although there are differences, such as the "ENTER" key on the ATM, the limitation of "substantially the same" is very broad and does not preclude the existence of some differences. Appellants' home banking terminal interface is illustrated in Figs. 3A-3D, but the claims do not require all of these interfaces. It is sufficient that the interface of Fig. 3B (which is very similar to Fig. 19 of Moss) is "substantially the same" on the home banking terminal and the ATM. For these reasons, the rejection of claims 1, 6-30, 33-37, 40-51, and 53-55 is sustained.

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Group II

Appellants argue that Moss does not teach the limitation of "displaying information on the remote terminal in a language selected by the user during a configuring use of the remote terminal" (claim 2). Appellants refer to the following statement by the examiner in the final rejection (FR18):

Applicant will appreciate that when a German user would configure his computer/terminal etc., he would first select the language and the [sic, then] would see that information during configuration would be displayed in the language (German) he selected.

Appellants argue that this language is more appropriate to an obviousness rejection (Br7):

To that extent, the Examiner will appreciate that it is standard practice in the technology industry to have computers and/or electronic terminals destined for a particular country (e.g., Germany) to be pre-configured with the language of that particular country (e.g., German). Thus, a user in that country (e.g., German user) does not have to first configure and select the language of choice for his or her computer/terminal.

The examiner responds that "German user" meant a user who intended to use the remote terminal for transactions in the German language, wherever in the world he might be, not just a German user in Germany (EA23).

We give no weight to the examiner's statement in the final rejection because the examiner does not point to any factual support in Moss.

The examiner refers to column 29, lines 43-50, and column 30, lines 7-10 and 27-35 (EA22).

Initially, we note that the remote terminal can be either a home banking terminal or an ATM. Although Moss discloses different language versions at column 29, lines 43-50, this disclosure does not state that the languages are selected during a "configuring use" and, with only this disclosure, the language selection could be pre-configured as argued by appellants. However, Moss discloses that "[a]ccording to the preferred embodiment, the choice of language is done by the runtime driver, and any adjustment of date, format, font, and so forth is performed automatically in response to this initial choice" (emphasis added) (col 30, lines 32-35). The fact the language is selected at "runtime" indicates that the language is not pre-configured, but is user selected "during a configuring use of the remote terminal." Since applications are provided to the home terminal by the service provider in Moss, and are not installed like regular PC software, the runtime selection of a language would be done by the home terminal user. Furthermore, ATMs are in public places and need to allow for different languages of different users. This is also consistent with the teaching of runtime language selection in Moss. As an aside, we note that selection of language at ATMs has been widely known and used in the U.S. and Europe for many years, e.g., in the U.S. the choice is usually between English and Spanish, while in Germany the choices are at least German, English, and French--claim 2

appears to read on this situation. The rejection of claims 2 and 31 is sustained.

Group III

Appellants argue that Moss does not teach the limitation that "the remote terminal can distinguish between the first user and the second user during subsequent accessing of financial services and display the language previously selected by that user" (claim 3). Appellants argue that the examiner points to Figs. 16 and 17 and column 29, lines 45-54, but this merely discusses different language versions of a main English version of an application program (Br8).

The examiner responds that once a user has selected a language in Moss, the system remembers the selection and transaction performed for subsequent use of the terminal and thus recognizes users who had used the system for an activity/-transaction in a selected language, referring to column 19, line 66 to column 20, line 15; column 22, lines 42-45 and 61-67; column 23, lines 19-36 (specifically lines 23-25 and 34-36); and column 8, lines 30-38 (EA23).

Moss discloses that the session manager (SM) stores information relating to the user of the terminal and that all transactions occur within the context of the specific customer and the service selected based on the customer identification information (col. 19, line 66 to col. 20, line 15). This teaches

that "the remote terminal can distinguish between the first and the second user during subsequent accessing of financial services" (claim 3) based on the customer identification number. Although the rejection would have been better made under 35 U.S.C. § 103(a) because no specific mention is made of the language choice being part of the "context," we think that the context in Moss reasonably teaches all customer-specific parameters, such as bank account number and language choice. Thus, we sustain the rejection of claims 3 and 32.

Group IV

Appellants argue that Moss does not teach the limitation of "providing a uniform connection between the remote terminals to a standard international host" (claim 4). It is argued that column 19, lines 23-26, which in the part of Moss relied upon by the examiner, states that "accessing of the various service computers 60a-d and countless others, requires that the network host computer be enabled to communicate to a like variety of protocols" and so does not suggest a uniform connection (Br9).

The examiner responds that "[t]he controlling device, containing applications, is the network host computer 60 of Fig. 10, which facilitate[s] provision of uniform connection to the overall Moss et al's system no matter what [] protocols were used by component devices/systems" (EA24).

We do not understand the examiner's reasoning. However, Moss discloses that a telephone-computer 1 or an equivalent PC terminal 19 (Fig. 10), which are both considered "remote terminals," communicates with a network host computer 60 via conventional telephone lines (col. 18, lines 22-30). There is no suggestion in Moss that the terminals use anything but a "uniform connection" to connect to host 60. The host computer 60 in Fig. 10 is considered the "standard international host." We note that the limitation of "providing a uniform connection between the remote terminals to a standard international host" (claim 4), requires only a uniform connection between remote terminals and the host, and says nothing about connections between the host and other computers. Therefore, appellants' arguments concerning the host's communication with different service provider computers 60a-60d using different protocols at column 19, lines 23-26, has nothing to do with the actual claim limitation.

Appellants secondly argue that Moss does not teach the limitation of "providing a plurality of business applications resident on the standard international host, in which the configuration of each of the applications is controlled at the standard international host" (claim 4).

The examiner responds that applications on Moss are updated, modified, and upgraded (EA25).

Moss discloses that "[o]ne essential function of the network host computer 60 is to provide a series of application program 'pages' which are downloaded to the terminal" (col. 18, lines 34-36). Moss discloses that the terminal may be used for financial services, databases, airline reservation systems, and the like (col. 3, lines 1-13), which teaches "providing a plurality of business applications resident on the standard international host." Moss discloses that application pages resident in the home terminal are updated as necessary and "[s]uperseded and outdated pages are purged, and revised versions replace earlier versions" (col. 14, lines 43-44). . . Since application pages are downloaded from the host, and the host controls what configuration is run by the home terminal, "the configuration of each of the applications is controlled at the standard international host" as claimed.

For the reasons stated above, we sustain the rejection of claim 4.

Group V

Appellants argue that Moss does not teach "the step of configuring the user's software further comprises the step of selecting a language" (claim 5).

For the reasons stated in the discussion of claim 2, Group 2, we find that this limitation is taught by Moss. The rejection of claim 5 is sustained.

Group VI

Claim 38 recites that the system of claim 33 includes a router. The examiner took Official Notice that routers were old and well known in the communications art and concluded that it would have been obvious to use routers (FR17).

As noted by the examiner, appellants do not traverse the taking of Official Notice (EA26).² Appellants argue that this claimed router is not disclosed or suggested by Moss, but do not point out the error in the examiner's position. Thus, the rejection of claim 38 is sustained.

Claim 39 recites: "The system of claim 33 in which the router is a small financial CAT gateway." Initially, we note that since claim 39 depends on claim 33, which does not recite a router, the reference to "the router" lacks antecedent basis; perhaps, claim 39 was meant to depend on claim 38. The examiner

² A traverse of a finding of Official Notice requires more than just a statement that the fact is not in a reference. A "traverse" is "[a] formal denial of a factual allegation in the opposing party's pleading," Black's Law Dictionary (7th ed. 1999). That is, a traverse is similar to answering the factual allegations in a complaint in a civil action. Cf. Fed. R. Civ. P. 8(b) ("A party shall . . . admit or deny the averments upon which the adverse party relies. If a party is without knowledge or information sufficient to form a belief as to the truth of an averment, the party shall so state and this has the effect of a denial."). An applicant may traverse a finding of Official Notice by simply averring that "those of ordinary skill in the art were not aware of [the fact]" or that "applicant is without any knowledge or information as to whether those of ordinary skill in the art were aware of [the fact]." This avoids putting the Office to the task of proving a fact which applicant knows.

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took Official Notice that the particular type of router was old and well known and concluded that it would have been obvious to use such a router in a financial application (FR17).

As noted by the examiner, appellants do not traverse the taking of Official Notice (EA26). Appellants argue that this claimed router is not disclosed or suggested by Moss, but do not point out the error in the examiner's position. Thus, the rejection of claim 39 is sustained.

Claim 52 recites that the business application allows the user to order checks. The examiner took Official Notice that ordering checks online or offline was an old and well-known practice in business computing and concluded that it would have been obvious to include this as one of the financial services in Moss (FR16).

As noted by the examiner, appellants do not traverse the taking of Official Notice (EA26). Appellants argue that this claimed ordering of checks is not disclosed or suggested by Moss, but do not point out the error in the examiner's position. Thus, the rejection of claim 52 is sustained.

Appellants mention claims 49 and 53 in this group, but the grouping of claims does not include these claims. The claims have not been considered by the examiner (EA26) and we do not consider them.

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CONCLUSION

The rejections of claims 1-55 are sustained.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED

JAMES D. THOMAS
Administrative Patent Judge

Lee E. Barrett
LEE E. BARRETT
Administrative Patent Judge

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LANCE LEONARD BARRY
Administrative Patent Judge

Appeal No. 2002-1880
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KILPATRICK STOCKTON LLP
607 14TH STREET, N.W.
SUITE 900
WASHINGTON, DC 20005